



## Senate

General Assembly

**File No. 100**

February Session, 2018

Substitute Senate Bill No. 225

*Senate, March 28, 2018*

The Committee on Veterans' Affairs reported through SEN. FLEXER of the 29th Dist. and SEN. MARTIN of the 31st Dist., Chairpersons of the Committee on the part of the Senate, that the substitute bill ought to pass.

***AN ACT EXTENDING THE VALIDITY OF WRITTEN CERTIFICATIONS  
FOR MEDICAL MARIJUANA AND IDENTIFYING VETERANS WHO  
HAVE PRESCRIPTIONS THEREFOR.***

Be it enacted by the Senate and House of Representatives in General Assembly convened:

1 Section 1. Subsection (b) of section 21a-408c of the general statutes is  
2 repealed and the following is substituted in lieu thereof (*Effective*  
3 *October 1, 2018*):

4 (b) Any initial written certification for the palliative use of  
5 marijuana issued by a physician or an advanced practice registered  
6 nurse under subsection (a) of this section shall be valid for a period not  
7 to exceed [one year] thirteen months from the date such initial written  
8 certification is signed and dated by the physician or advanced practice  
9 registered nurse, and any subsequent written certification shall be  
10 valid for a period not to exceed one year from the date such  
11 subsequent written certification is signed and dated. Not later than ten  
12 calendar days after the expiration of such period, or at any time before

13 the expiration of such period should the qualifying patient no longer  
14 wish to possess marijuana for palliative use, the qualifying patient or  
15 the primary caregiver shall destroy all usable marijuana possessed by  
16 the qualifying patient and the primary caregiver for palliative use.

17 Sec. 2. Subsection (a) of section 21a-408d of the general statutes is  
18 repealed and the following is substituted in lieu thereof (*Effective*  
19 *October 1, 2018*):

20 (a) Each qualifying patient who is issued a written certification for  
21 the palliative use of marijuana under subdivision (1) of subsection (a)  
22 of section 21a-408a, and the primary caregiver of such qualifying  
23 patient, shall register with the Department of Consumer Protection.  
24 Such registration shall be effective from the date the Department of  
25 Consumer Protection issues a certificate of registration until the  
26 expiration of the written certification issued by the physician or  
27 advanced practice registered nurse. The qualifying patient and the  
28 primary caregiver shall provide sufficient identifying information, as  
29 determined by the department, to establish the personal identity of the  
30 qualifying patient and the primary caregiver. The department shall  
31 afford the qualifying patient an opportunity to provide information  
32 identifying such qualifying patient as a veteran, as defined in  
33 subsection (a) of section 27-103. If the qualifying patient is under  
34 eighteen years of age and not an emancipated minor, the custodial  
35 parent, guardian or other person having legal custody of the qualifying  
36 patient shall also provide a letter from both the qualifying patient's  
37 primary care provider and a physician who is board certified in an  
38 area of medicine involved in the treatment of the debilitating condition  
39 for which the qualifying patient was certified that confirms that the  
40 palliative use of marijuana is in the best interest of the qualifying  
41 patient. A physician may issue a written certification for the palliative  
42 use of marijuana by a qualifying patient who is under eighteen years  
43 of age, provided such written certification shall not be for marijuana in  
44 a dosage form that requires that the marijuana be smoked, inhaled or  
45 vaporized. The qualifying patient or the primary caregiver shall report  
46 any change in the identifying information to the department not later

47 than five business days after such change. The department shall issue a  
48 registration certificate to the qualifying patient and to the primary  
49 caregiver and may charge a reasonable fee, not to exceed twenty-five  
50 dollars, for each registration certificate issued under this subsection.  
51 Any registration fees collected by the department under this  
52 subsection shall be paid to the State Treasurer and credited to the  
53 General Fund.

This act shall take effect as follows and shall amend the following sections:

Section 1	<i>October 1, 2018</i>	21a-408c(b)
Sec. 2	<i>October 1, 2018</i>	21a-408d(a)

**VA**      *Joint Favorable Subst.*

The following Fiscal Impact Statement and Bill Analysis are prepared for the benefit of the members of the General Assembly, solely for purposes of information, summarization and explanation and do not represent the intent of the General Assembly or either chamber thereof for any purpose. In general, fiscal impacts are based upon a variety of informational sources, including the analyst's professional knowledge. Whenever applicable, agency data is consulted as part of the analysis, however final products do not necessarily reflect an assessment from any specific department.

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### ***OFA Fiscal Note***

#### ***State Impact:***

Agency Affected	Fund-Effect	FY 19 \$	FY 20 \$
Consumer Protection, Dept.	GF - Revenue Loss	90,000	130,000

Note: GF=General Fund

#### ***Municipal Impact:*** None

#### ***Explanation***

This bill increases the length of the initial written certification for the palliative use of marijuana and results in a revenue loss to the state. The initial and renewal registration fees are \$100 annually and this would increase the initial certification length from 12 months to 13 months, resulting in one month of lost revenue. Using the FY 17 growth rate in the medical marijuana program, it is anticipated to result in a \$90,000 revenue loss in FY 19 and \$130,000 loss in FY 20.

#### ***The Out Years***

The annualized ongoing fiscal impact identified above would continue into the future subject to growth rates in the medical marijuana program.

**OLR Bill Analysis****sSB 225*****AN ACT EXTENDING THE VALIDITY OF WRITTEN CERTIFICATIONS FOR MEDICAL MARIJUANA AND IDENTIFYING VETERANS WHO HAVE PRESCRIPTIONS THEREFOR.*****SUMMARY**

This bill extends, from one year to 13 months, the maximum length of time a qualifying patient may buy medical marijuana by extending the validity of an initial medical certification for such patients. By law, before a patient may buy medical marijuana from a dispensary, he or she must receive a medical certification and a Department of Consumer Protection (DCP) registration certificate, which is valid for the length of the medical certification. By law and under the bill, subsequent medical certifications are valid for up to one year.

The bill also requires DCP to give the qualifying patient an opportunity to provide identifying information that he or she is a veteran when registering. Under the bill, a veteran is anyone honorably discharged or released from active service in the U.S. Armed Forces (U.S. Army, Navy, Marine Corps, Coast Guard, and Air Force, and any reserve component of these branches, including the Connecticut National Guard performing duty under Title 32 of the U.S. Code (e.g., certain Homeland Security missions)).

EFFECTIVE DATE: October 1, 2018

**BACKGROUND*****Medical Marijuana***

Subject to various requirements and conditions, the law allows medical marijuana use by qualifying patients to treat certain debilitating medical conditions such as cancer, glaucoma, HIV, and AIDS (CGS § 21a-408). By law, a physician or an advanced practice

registered nurse may certify a qualifying patient's use of marijuana only after determining the patient has a debilitating condition and the potential benefits of medical marijuana would likely outweigh its health risks (CGS § 21a-408c).

**COMMITTEE ACTION**

Veterans' Affairs Committee

Joint Favorable Substitute

Yea    14    Nay   0    (03/14/2018)